

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and SOUND
UNITED, LLC,

Defendants.

Civil Action No. 22-1377 (MN-JLH)

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and SOUND
UNITED, LLC,

Defendants.

Civil Action No. 22-1378 (MN-JLH)

NOTICE OF LODGING

Defendants Masimo Corporation and Sound United, LLC and Counterclaimant Cercacor Laboratories, Inc. (collectively “Masimo”) hereby lodge with the Court Plaintiff Apple Inc.’s Patent Owner Preliminary Response for the D’131 Patent in the inter partes review proceeding before the United States Patent and Trademark Office (“D’131 POPR”). Apple filed its D’131 POPR on August 24, 2023, after the parties had served sur-reply claim construction briefs. *See* D.I. 273 (22-1377) at 10, n.3. Masimo lodges the D’131 POPR as Exhibit A. The D’131 POPR is relevant because Apple relied on detailed verbal descriptions of the scope of the claimed designs in its effort to distinguish prior art. *See, e.g.*, Ex. A at 3-10, 24, 34-37, 57-58, 70-73; D.I. 273 (22-1377) at 10. Masimo provides notice that it may rely on the D’131 POPR during the claim

construction hearing scheduled for September 14, 2023 at 10:00 a.m.

Dated: September 8, 2023

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